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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:16-cr-00046-GMN-PAL
)	
Plaintiff,)	MOTION FOR DEFENDANT TO
)	APPEAR AT ARRAIGNMENT BY
vs.)	WAY OF VIDEOCONFERENCE
)	
BLAINE COOPER,)	
)	
Defendant.)	
)	

COMES NOW the defendant, BLAINE COOPER, by and through his court-appointed attorney of record, MATTHEW LAY, ESQ., of NGUYEN AND LAY, and hereby moves this Court pursuant to Federal Rule of Criminal Procedure 10(c) to appear at arraignment by way of videoconference. This Motion is supported by the following Points and Authorities, all pleadings and papers filed herein, and any argument or evidence that may be presented at a hearing on this Motion.

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DATED this 12th day of April, 2015.

NGUYEN & LAY

A handwritten signature in black ink, appearing to be 'm' followed by a stylized 'JL' or similar monogram.

By: _____
MATTHEW LAY, ESQ.
Nevada Bar No.: 12249
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

STATEMENT OF PROCEDURAL HISTORY

On March 02, 2016, the Government filed a Superseding Indictment in the United States District Court for the District of Nevada. The Indictment charged the defendant, Blaine Cooper, with the following: Count 1: Conspiracy to Commit an Offense attains the United States, in violation of 18 U.S.C. § 371; Count 2: Conspiracy to Impede and Injure a Federal Officer, in violation of 18 U.S.C. § 372; Count 5: Assault on a Federal Officer, in violation of 18 U.S.C. § 111(a)(1) and (b); Count 8: 18 U.S.C. Threatening a Federal Law Enforcement Officer, in violation of 18 U.S.C. § 115(a)(1)(B); Counts 3, 6, 9, and 15: Use an Carry of a Firearm in Relation to a Crime of Violence, in violation of 18 U.S.C. § 924(c); Count 12: Obstruction of the Due Administration of Justice, in violation of 18 U.S.C. § 1503; Count 14: Interference with Interstate Commerce by Extortion, a violation of 18 U.S.C. § 1951; and, Count 16: Interstate Travel in Aid of Extortion, a violation of 18 U.S.C. § 1952. (Document 27.)

On March 09, 2016, the undersigned was appointed to represent Mr. Cooper in the instant matter on a pre-indictment basis. However, because Mr. Cooper has yet to be arraigned in this matter, the undersigned has not been formally appointed to represent Mr. Cooper. Mr. Cooper is currently being held by the United States Marshals in the District of Oregon, Portland Division, in case number 3:16-cr-00051-BR. Based on an order announced by the Honorable Judge Anna J. Brown of the United States District Court for the District of Oregon, the undersigned believes that the Marshals intend to transport Mr. Cooper from the District of Oregon to the District of Nevada for arraignment in the above-entitled matter on April 13, 2016. The undersigned received an e-mail from Mr. Cooper's court-appointed CJA attorney in Oregon, Krista Shipsey,

on the afternoon of April 12, 2016, indicating that she has provided Mr. Cooper with a copy of the indictment in the instant case. Additionally, Ms. Shipsey represents that “Mr. Cooper understands that he has a right to be present in court for his arraignment in Las Vegas, Nevada.” Furthermore, Ms. Shipsey represents that, “Mr. Cooper waives the right [to be present in court in the District of Nevada] and asks [that he] be arraigned via video conferencing.”

ARGUMENT

Federal Rule of Criminal Procedure 10(c) provides, “Video teleconferencing may be used to arraign a defendant if the defendant consents.”

Here, based upon the representations of Mr. Cooper’s counsel in Oregon, the undersigned requests that this Court allow Mr. Cooper to remain in Oregon and participate in the arraignment hearing by videoconference.

CONCLUSION

Based upon the foregoing, Mr. Cooper respectfully requests that this court enter an order allowing him to participate in the arraignment hearing by videoconference pursuant to Federal Rule of Criminal Procedure 10(c).

DATED this 12th day of April, 2016.

NGUYEN & LAY



By: _____
MATTHEW LAY, ESQ.
Nevada Bar No.: 12249
Attorney for DAMIEN WILLIAMS

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April, 2016, I caused a true and correct copy of this Motion for Defendant to Appear at Arraignment by Way of Videoconference to be sent to all interested parties, including Assistant United States Attorney Steven Myhre of the Las Vegas United States Attorney's office, through the CMECF system.

Further, I hereby certify that on this 12th day of April, 2016, I caused a true and correct copy of the foregoing Motion for Defendant to Appear at Arraignment by Way of Videoconference to be mailed to defendant Blaine Cooper at the following address:

Blaine Cooper, SWIS #795818
11540 NE Iverness Drive
Portland, Oregon 97220

A handwritten signature in black ink, appearing to read 'm Jy'.

By: _____
MATTHEW LAY, ESQ.
Nevada Bar No.: 12249
Attorney for Defendant
BLAINE COOPER